

IN THE CLAIMS:

Please amend the claims to read as follows:

1. (Currently Amended) An optical disk apparatus comprising:
 - a tray means for carrying an optical disk in and out of the optical disk apparatus;
 - a chucking means for chucking the optical disk;
 - a laser irradiation means for emitting a laser beam that is focused on the optical disk, and for activating a focusing servo;
 - a moving means for moving the laser irradiation means in a radial direction of the optical disk;
 - a measurement means for, after the chucking means has chucked the optical disk, measuring focusing drive voltages for the focusing servo at a point near a center of the optical disk and at a point near an outer edge of the optical disk, without rotating the optical disk; and
 - a control means for comparing, with a first reference value, a difference between the focusing drive voltages measured by the measurement means, and for, when the difference between the focusing drive voltages is greater than the first reference value, permitting the chucking means to release and again chuck the optical disk;
- wherein, in the case where the chucking means repeats the chucking of the optical disk, the measurement means, without rotating the optical disk, again measures the focusing drive voltages for the focusing servo at the point near the center of the optical disk and the point near the outer edge of the optical disk, and the control means compares, with the first reference value, the difference between the focusing drive voltages, and when the difference is greater than the first reference value, permits the chucking means to release the optical disk and the tray means to discharge the optical disk;

in the case where the measurement means measures the focusing drive voltages while the laser irradiation means is moved between the point near the center of the optical disk and the point near the outer edge and the focusing servo is actuated, the control means compares, with a second reference value, a difference between the focusing drive voltages for the measurements made by the measurement means at the two adjacent points, and when the difference between the focusing drive voltages is greater than the second reference value, permits the chucking means to release the optical disk and the tray means to discharge the optical disk; and

in the both cases the measurement means measures focusing drive voltages while the moving means moves the laser irradiation means from the outer edge to the center.

2. (Currently Amended) An optical disk apparatus comprising:

a tray means for carrying an optical disk in and out of the optical disk apparatus;

a chucking means for chucking the optical disk;

a laser irradiation means for emitting a laser beam that is focused on the optical disk, and for activating a focusing servo;

a moving means for moving the laser irradiation means in a radial direction of the optical disk;

a measurement means for, after the chucking means has chucked the optical disk, measuring focusing drive voltages for the focusing servo at a point near a center of the optical disk and at a point near an outer edge of the optical disk, without rotating the optical disk; and

a control means for comparing, with a first reference value, a difference between the focusing drive voltages measured by the measurement means, and for, when the difference

between the focusing drive voltages is greater than the first reference value, permitting the chucking means to release and again chuck the optical disk;

wherein, in the case where the measurement means measures the focusing drive voltages while the laser irradiation means is moved between the point near the center of the optical disk and the point near the outer edge and the focusing servo is actuated, the control means compares, with a second reference value, a difference between the focusing drive voltages for the measurements made by the measurement means at two adjacent points, and when the difference between the focusing drive voltages is greater than the second reference value, permits the chucking means to release the optical disk and the tray means to discharge the optical disk.

3. (Original) The optical disk apparatus according to claim 2, wherein, in the case where the chucking means repeats the chucking of the optical disk, the measurement means, without rotating the optical disk, again measures the focusing drive voltages for the focusing servo at the point near the center of the optical disk and the point near the outer edge of the optical disk, and the control means compares, with the first reference value, the difference between the focusing drive voltages, and when the difference is greater than the first reference value, permits the chucking means to release the optical disk and the tray means to discharge the optical disk.

4. (Canceled)

5. (Original) The optical disk apparatus according to claim 2, wherein the measurement means measures focusing drive voltages while the moving means moves the laser irradiation means from the outer edge to the center.

6. (Original) The optical disk apparatus according to claim 3, wherein the measurement means measures focusing drive voltages while the moving means moves the laser irradiation means from the outer edge to the center.

7. (Currently Amended) The optical disk apparatus according to claim [[4]] 2, wherein the measurement means measures focusing drive voltages while the moving means moves the laser irradiation means from the outer edge to the center.

8. (Currently Amended) An optical disk apparatus comprising:

a tray for carrying an optical disk in and out of the optical disk apparatus;

a chucking unit that chucks the optical disk;

a laser irradiation unit that emits a laser beam to be focused on the optical disk, the laser irradiation unit activating a focusing servo;

a moving unit that moves the laser irradiation unit in a radial direction of the optical disk;

a measurement unit that, after the chucking unit has chucked the optical disk, measures focusing drive voltages for the focusing servo at a point near a center of the optical disk and at a point near an outer edge of the optical disk, without rotating the optical disk; and

a controller that compares, with a first reference value, a difference between the focusing drive voltages measured by the measurement unit, the controller permitting the chucking unit to release and again chuck the optical disk when the difference between the focusing drive voltages is greater than the first reference value;

wherein, in the case where the measurement unit measures the focusing drive voltages while the laser irradiation unit is moved between the point near the center of the optical disk and the point near the outer edge and the focusing servo is actuated, the controller compares, with a second reference value, a difference between the focusing drive voltages for the measurements made by the measurement unit at two adjacent points, and when the difference between the focusing drive voltages is greater than the second reference value, permits the chucking unit to release the optical disk and the tray to discharge the optical disk.

9. (Original) The optical disk apparatus according to claim 8, wherein, in the case where the chucking unit repeats the chucking of the optical disk, the measurement unit, without rotating the optical disk, again measures the focusing drive voltages for the focusing servo at the point near the center of the optical disk and the point near the outer edge of the optical disk, and the controller compares, with the first reference value, the difference between the focusing drive voltages, and when the difference is greater than the first reference value, permits the chucking unit to release the optical disk and the tray to discharge the optical disk.

10. (Canceled)

11. (Original) The optical disk apparatus according to claim 8, wherein the measurement unit measures focusing drive voltages while the moving unit moves the laser irradiation unit from the outer edge to the center.

12. (Original) The optical disk apparatus according to claim 9, wherein the measurement unit measures focusing drive voltages while the moving unit moves the laser irradiation unit from the outer edge to the center.

13. (Currently Amended) The optical disk apparatus according to claim ~~[[10]]~~ 8, wherein the measurement unit measures focusing drive voltages while the moving unit moves the laser irradiation unit from the outer edge to the center.